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24 HOUR FITNESS USA, INC. AND SPORT AND  
7 FITNESS CLUBS OF AMERICA  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 GABE BEAUPERTHUY, et al.,

13 Plaintiffs,

14 v.

15 24 HOUR FITNESS USA, INC. a  
California corporation dba 24 HOUR  
16 FITNESS; SPORT AND FITNESS  
CLUBS OF AMERICA, INC., a California  
17 corporation dba 24 HOUR FITNESS,

18 Defendants.  
19

Case No. C 06 0715 SC

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING (1) PLAINTIFFS' MOTION  
TO COMPEL HEARING AND BRIEFING  
AND (2) CASE MANAGEMENT  
CONFERENCE**

COMPLAINT FILED: February 1, 2006  
TRIAL DATE: No date set.

20  
21 **RECITALS**

22 A. WHEREAS, Plaintiffs have filed a motion to compel arbitration ("the Motion")  
23 which is currently set for hearing September 9, 2011;

24 B. WHEREAS, the Court has set a Case Management Conference for September 9,  
25 2011;

26 C. WHEREAS, pursuant to a prior Stipulation and Order, counsel for the parties met and  
27 conferred in a face-to-face meeting on August 1, 2011 in San Francisco, California regarding, among  
28 other things, the issues presented in the Motion;

D. WHEREAS, the parties' dialogue was productive and the parties are in the process of drafting a protocol for commencement for an initial round of arbitrations;

E. WHEREAS, while the parties continue to meet and confer to complete and document an agreement for a first round of arbitrations, the parties wish to continue the Motion and Case Management Conference by thirty (30) days in the hopes that the parties will resolve the issues that will allow the arbitrations to commence and suspend the need for proceeding on the motion;

THEREFORE, the parties do STIPULATE AND AGREE as follows;

1. Plaintiffs' Motion to Compel Arbitration currently set for September 9, 2011 shall be continued to October 14, 2011 or a date as soon as convenient for the Court thereafter;
2. The remaining briefing schedule on the Motion shall be pursuant to statute and local rules based on the new hearing date;
3. The Case a Management Conference currently set for September 9, 2011 shall be continued to the new date of the Motion.

**IT IS SO STIPULATED:**

Dated: August 3, 2011

**LITTLER MENDELSON, P.C.**

By: \_\_\_\_\_ /s/  
 John C. Kloosterman  
 Laura E. Hayward  
 LITTLER MENDELSON, P.C.,  
 Attorneys for Defendant

Dated: August 3, 2011

**DONAHOO & ASSOCIATES  
 FOLEY BEZEK BEHLE & CURTIS, LLP**

By: \_\_\_\_\_ /s/  
 Richard E. Donahoo  
 Thomas G. Foley, Jr.  
 Justin P. Karczag  
 Attorneys for Plaintiffs

[PROPOSED] ORDER

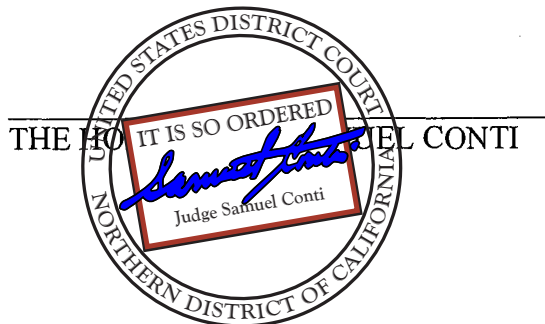
Upon reading the forgoing Stipulation, and good cause appearing, therefore,

IT IS ORDERED THAT,

1. Plaintiffs' Motion to Compel Arbitration currently set for September 9, 2011 shall be continued to ~~October 14, 2011~~ November 29, 2011 or a date as soon as convenient for the Court thereafter;
2. The remaining briefing schedule on the Motion shall be pursuant to statute and local rules based on the new hearing date;
3. The Case a Management Conference currently set for September 9, 2011 shall be continued to the new date of the Motion.

IT IS SO ORDERED.

Dated: August 8, 2011



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